

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

Plaintiff,

V.

RAYMOND BOWMAN,

Defendant.

CRIMINAL NO.: 1:11CR118

DEFENDANT RAYMOND BOWMAN'S RESPONSE TO THE GOVERNMENT'S POSITION ON SENTENCING

In Response to the Government’s Position on Sentencing (docket # 18), Defendant Raymond Bowman, through his undersigned counsel, writes to clarify the facts surrounding his knowledge of the “sweeping” that occurred to hide overdrafts in Taylor, Bean & Whitaker’s account at Colonial Bank. The Government wrote: “Farkas and other co-conspirators, including Bowman engaged in a ‘sweeping’ scheme to hide overdrafts in TBW bank accounts held at Colonial Bank,” and “[Mr. Bowman] was actively involved in the sweeping and Plan B on COLB parts of the scheme . . .” Gov’ts. Position on Sentencing at 2, 8. Mr. Bowman does not believe the government intends to give an account that differs from the facts Mr. Bowman and the government agreed to in the Statement of Facts that accompanied his plea agreement (docket # 6), which read:

“[T]he defendant learned that TBW was running significant overdrafts in its master account at Colonial Bank and that Colonial bank employees were temporarily transferring, or ‘sweeping,’ funds into the account in order to disguise the overdraft. As the overdraft amount continued to increase, the defendant knew that other co-conspirators, including Lee Farkas, the chairman of TBW; a senior vice president and the head of the Mortgage Warehouse Lending Division (MWLD) of Colonial Bank; were

causing Colonial Bank to continue to temporarily ‘sweep’ funds into the master account to hide the overdraft amount.”

Statement of Facts ¶ 3.

However, as a matter of semantics, the use of the terms “engaged in” and “was actively involved in” could be erroneously construed to mean something different than “the defendant learned” and “knew that” the sweeping scheme was taking place. Mr. Bowman writes to clarify to the Court that while he was aware of, and did not take steps to end, the sweeping scheme, he did not direct, participate in, or undertake any acts in furtherance of the sweeping scheme.

Respectfully submitted,

/s/ Maisa Jean Frank

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Dated: June 8, 2011

Attorneys for Raymond Bowman

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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/s/ Maisa Jean Frank

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